IMT Nuremberg Archives

H – 1016

International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

8 July 1946

COMMISSIONER:

Mr. I. V. Rasumov

THE GESTAPO

(The Commission convened at 1035 hours.)

COMMISSIONER: I am sorry that we are a few minutes late because we had a meeting upstairs in Room 398, but I believe we can resume our work now. Does the witness realize he is still under oath?

THE WITNESS: (Dr. Werner Best) Yes Sir.

CROSS EXAMINATION RESUMED

BY MR. MONNERAY:

Q. Dr. Best. You told us last week that your book, "German Police" was a private opinion?

A. Yes.

Q. And this book doesn't correspond at all to the truth of the German Police?

A. Not in all parts.

Q. Which part?

A. All those parts which essentially, for instance, the idea of the State Protection Corps which were to contain one factor on State Security.

Q. Now if you give the definitions of the tasks of this branch of the police, this does not correspond with the real situation ? Is this correct?

A. There are some such spots in the book.

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Q. Did you discuss, Dr. Best, this question of your book with the Defense Counsel?

A. Only in general sir.

Q. You were telling us about the distinction between political tasks with the police and the police tasks of the police.

A. Yes. I have separated the autonomous duties of the Gestapo which were described by laws and decrees and directives and the non-police orders which were put to use here directly by the state leadership. Of course, the later ones are not mentioned in the book.

Q. Isn't the whole thing mentioned in this book, the tasks of the police? Is that correct?

A. As far as the book speaks of the police, for instance, where the SD is mentioned, it is a matter of SD duties.

Q. Yes but according to the general plan of the book, the SD is one part of the general task of police.

A. I have represented here the tendencies of the year of that period but that had not as yet been put into effect.

Q. In other words, in accordance with your own interpretation, the tendencies of the SD was to be incorporated into the police?

A. That at the time was the desire of the common chief of the police and the SD Heydrich.

Q. You told us, on the contrary, the tendency of the SD was in quite the opposite sense. I haven't finished yet. Since from the taking over the charge by Ohlendorff, the SD wasn't occupied any longer with intelligence of the enemy but only with research and intelligence work. Is this correct?

A. That is correct. The area of duties pertaining to enemy research was dropped later. The Gestapo took it over and the SD limited itself

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to the so-called supervision of spheres of life.

Q. But according to your own book, the tendency of the SD was contrary to what you are telling us now. There is a difference between your book and the tendency of the SD and the evolutionary development which has happened.

A. That is correct. That has changed.

Q. Now you told us since the taking over by Ohlendorff of the SD, the SD didn't deal any more with the research of enemy. At what time was that?

A. I do not exactly recall when the task pertaining to the combating of enemies were dropped but it was around that time.

Q. What time did Ohlendorff take over AMT 3?

A. As I recall, it was in 1939.

Q. And your book was written in 1941? Is that correct?

A. It was written around 1939 and 1940 and it was published in 1940 and it was around that period that Ohlendorff developed gradually his new tendencies.

Q. According to your own book, if this book had been published in 1940 and the agreement of the party has been given the 20th September 1941 and Ohlendorff came to power in the AMT 3 in 1939 and was mobilized in 1941 was he not?

A. The first edition of the book appeared in 1940 and the second edition published in 1941 contained almost no changes as compared to the first one but especially I did not correct the basic descriptions. I have changed only certain organizational points.

Q. Do you know Dr. Stuckart, do you not? What was his function?

A. He was the Secretary of State in the Reichministery of the Interior.

Q. Would he know exactly the details of the German administration?

A. I think so.

Q. Now, do you remember the view of your book given by Dr. Stuckart in the "Reich Volksordnung, Lebensraum"?

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A. I recall the fact that it appeared but I do not remember the contents.

Q. I will read you an excerpt which is quite opposite to your own statement according to the idealistic character. "Dr. Best, who has cooperated in the general development of the National Socialist Police ~~and~~ as a leading personality is ~~perfectly~~ perfectly able to give a very general picture of the structure of the organization and the rights of the police. ~~police.~~ The ~~main~~ main point of this book is the description of the task and the structure and the personnel of the police," (Chapter 4 to 6".) And he continues: "Except under the details but without loosing himself in details, Best gives a general summing up which has been produced for the first time, the structure and the content of the three large tasks of the police, of order of police, of security of police, of administration and development is plainly pointed out and well described. And the picture becomes especially well and close reality by the fact that Best not only gives the general lines of structure but also gives the summing up of the different administrations, schools, etc." And he goes on to say ~~about~~ about this book. "very soon it will become the digest and a book of reference for the administration and officials of police in the Interior of the Administration, etc." Now, according to this review, Mr. Stuckart, who was Secretary of State in the Ministery of Interior did not consider your book only a sort of general scholarship of the general philosophy of the police did he?

A. If Mr. Stuckart says here that I have enumerated correctly the different authorities and training schools, he is perfectly right. But he only was an expert for the general administration and he was in no position to know which development phases of the police, or in particular of the SD were still unfinished and how far I have represented the tendencies which were still in the process of evolution and would take a different direction in the following period.

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Q. Now you admit/ed last week that the SD/Olendorf took/ until the moment over, the SD was dealing with the intelligence of political enemies, were/did you not?

A. Yes, the SD Central Offices showed all organizations provided for that.

Q. And you told us today that according to your book that intelligence work in order to discover political enemies was not only a general development of the SD, did you not?

A. As I could still see it around the time of the years 1939-1940.

Q. So, in other terms, on the one side, according to your statement of last week, the SD did not anywhere deal with intelligence work and deal with enemies?

A. No, what I said was this. I have represented the situation and tendencies in the manner in which I had seen it around 1939 and 1940 but today I know that in the ensuing period the tendencies were changed by the activities of Olendorf.

Q. Very well, and you told us today Olendorf was mobilized in 1941?

A. As far as I know he realized his plans in the years 1940-1941.

Q. Have you been in Copenhagen as a plenopotentiary for the Ministery of Foreign Affairs?

A. Yes. I was the plenopotentiary sent to Denmark for the Foreign Office.

Q. Have you met Naujocks?

A. Naujocks was in Copénhagen. once.

Q. And what was his task in Denmark?

A. He did not give me any details. I only know that he asked me to provide a connection for him with the Research Office in Copenhagen.

Q. And his task in Denmark was, without any doubt was dealing with the research work of science and things like that, was it not?

/AA

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A. At that time I assumed that he was in Denmark in Intelligence Service measures. In the meanwhile my interrogations in Copenhagen taught me that in the opinion of the Danish authorities, Naujocks was dealing with counter-measures against terrorism.

Q. He did not tell you anything about counter-measures?

A. No. At that time he did not mention anything about that.

Q. And you didn't know anything about those counter-measures? Even learning it from somebody else?

A. Yes, because I was there when Hitler personally ordered this contrary.

Q. You didn't mention at all any connection between this Hitler order in his presence in Copenhagen?

A. I do not know when Naujocks was in Copenhagen but I do know the conference with Hitler took place on the 30th of December 1943.

Q. And you remember that Naujocks visited in the beginning of 1944?

A. I do not recall the time.

Q. Anyway, you had no idea what the reason Naujocks was in Copenhagen, do you?

A. I imagine that he was in Denmark on matters pertaining to Intelligence Service duties.

Q. And even if he were to state and testify that he discussed the matter with you, you would say it was only a lie?

A. I would say that I could not recall it and that in my memory, he is retained as an Intelligence Service man.

Q. Yes. I think that is so much more careful to say that you don't remember. Do you know who is Scorzeny? Have you any idea who was Scorzeny? was?

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A. Yes. I know he was a leader of a special formation which had been employed with special assignments, for instance he freed Mussolini and today I know that his formation executed terror or counter-terror.

Q. What AMT was he a member of?

A. I do not know whether he was formerly attached to an AMT for his formation because his formation was a kind of military group.

Q. But you remeber he was employed on AMT 6 do you not?

A. I had heard that he was attached to AMT 6 in some manner.

Q. Then probably his part in AMT 6 and his activities as a professional terrorist was only a fact of the whole organization of the SD, was it not?

A. I cannot testify to that since I have only heard of these things as an outsider who was remote from the facts.

Q. But you could not tell us if Scorzeny had not the permission of sending absolutely impartial reports ?

A. After what I know now, he did not have a special assignment such as I have characterized Bovensiepen.

Q. You know Borensiepea, do you not?

A. Yes. He was the commander of the Sipo in Denmark.

Q. He was interrogated by the Danish authorities?

A. Yes.

Q. He told the authorities that you had received a counter /terror order of Hitler and you even protested against the order. Is this correct?

A. In the conference on 30 December 1943 I did protest this order of Hitler. The order itself was not issued to me but to the higher SS and police leader Pancke.

Q. But why did Pancke receive this order from you?

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A. Because Pancke was the Chief of Police. He was not subordinate to me and he was the one who had to receive orders pertaining to measures to be executed by an organization and not I who was without any organization.

Q. Then what organization had he?

A. He was in charge of the entire police in Denmark.

Q. So he had to carry out measures of coalition did he not?

A. Yes.

Q. And he had under his command Sipo and SD did he not?

A. Yes.

Q. Do you remember the deportation of Danish Jews?

A. Yes.

Q. You tried to prevent those measures, did you not?

A. Yes. I protested this measure very severely in several reports of telegrams to the Foreign Office and I have sabotaged the success of the action by having Danish politicians, the other side, made known/~~xxxxx~~ the prepared action of ~~xxxxxx~~ deportation. Mildner ~~xxx~~ was the commander of the Sipo of this action.

Q. You received your orders from ~~xxxxx~~ Ribbentrop did you not?

A. No, I was informed by Ribbentrop or rather by the Foreign Office that this action had been ordered.

Q. And you had to carry out this action?

A. Hitler ordered the action and ~~Hitler has~~ Himmler ordered his organization to execute the order.

Q. What is that?

A. They utilized commandos of the Sipo and one or two battalions of the Ordnungspolizei. To supervise the action, ~~xx~~ an employee named Guenther, of the office of Eichmann, ~~xxxxxxxxx~~ came to Copenhagen.

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Q. And all the German police authorities in Denmark had to obey this special plenopententiary?

A. I was in charge of this one action.

Q. So your answer is "yes"?

A. Yes.

Q. Now, do you remember the deportation of Danish Poles?

A. Yes.

Q. Who carried out these measures?

A. The higher SS and Police Leader Pancke by order of Hitler, who was transferred to him by way of him. There was a special clause stating that he was not to be notified.

Q. So if these measures had been carried out, were they carried out by the police authorities?

A. Yes by the higher SS and Police Leader with both formations Sipo and Ordnungspolizei.

Q. Is it correct that the intelligence work and the fighting against resistance movements and all enemies of the German Reich were taken charge of by the AMT 4?

A. I do not understand your question what enemy Intelligence Service. means.

Q. To find out who are the enemies of the State.

A. Yes, that is correct.

Q. Now did you know Hauptsturmfuehrer Pahl?

A. Yes. He was the leader of the SD section in Copenhagen.

Q. You have been in touch with him?

A. I saw him rarely but he wanted to report to me about something.

Q. He didn't send you any reports?

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A. I have seen several SD reports when this section believed that I might be interested in it. Otherwise these reports were transferred directly to Berlin without me seeing them.

Q. Did he have anything to do with finding out about the Danish resistance movement?

A. According to the reports I saw this SD section was interested in the morale of the population, the economic situation, the articles of press stories, any development of the Danish mentality as pertains to their attitude toward the German Reich.

Q. Do you think that the growing up of a resistance movement has something to do with the attitude of the Danish mentality or Danish public opinion?

A. Yes, of course.

Q. Thank you very much. You have been in touch with Seyboldt?

A. I saw him occasionally.

Q. What was he doing in Copenhagen?

A. He represented AMT 6 of the External Intelligence Service concerning itself not with Denmark but other countries. That is why he did not report anything to me.

Q. You as a representative of the German Foreign Affairs, you were not interested ~~in~~ at all in any other countries except Denmark were you?

A. Yes. My task was solely in Denmark.

Q. And you were not interested at all in having any reports coming from other countries and dealing with the general situation of the war?

A. Yes of course, in the large sense of politics, of course, but not in the details which the Intelligence or espionage service gathered from other countries.

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Q. So you admit AMT 6 was a service of spying and intelligence. Is that correct?

A. Yes.

Q. And dealt on certain general recourse by dealing with details?

A. Yes. I assume since I had no information, that one did not deal by any chance with the leaders in the Foreign Press but one wanted to find out, for instance, why Russian or English agents were present in Sweden, and similar things.

Q. Is it correct that AMT 3 had the same inside of Germany as AMT 6 had outside of Germany.

A. I do not know since I know nothing about the techniques of these offices.

Q. I think that is a very good statement. Have you been in touch with V-Men.

A. No.

Q. Didn't everybody know who was a V-man?

A. Yes. I am sure of that but I had nothing to do with V-Men.

Q. Didn't they claim publicly and proudly that they were V-Men?

A. I do not believe so because there could have been a contradiction of that.

Q. What is the conception of the V-Men.

A. I imagine that is a man who without publicly letting it known pays attention to certain events and who informs the authorities. for which he is working.

Q. That means he is an informer?

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A. Yes, the conception of an informer is morally detrimental as a V-Man works for morally praiseworthy causes.

Q. Of course he is of an intelligence nature?

A. An agent in my opinion is a man who draws a salary steadily. An informer does not need that.

Q. Anyway, he is a man who does confidential and secret work. Is this correct?

A. Yes.

Q. Thank you. Have you been a member of the SD?

A. Within the frame of the SS I was contained on the list of the SD as all the employees and officials of the Gestapo and Kripo who are members of the SS by way of formation they belonged to the SD but not in their function.

Q. Since when?

A. I should say since 1934 or 1935.

Q. And you have no knowledge of the technical activities of the SD no less?

A. In the RHSA I was Chief of AMT 1 which dealt with administrative and legal matters. My work differed from that of other AMT's.

Q. Which group of AMT 1?

A. AMT 1 of administration and law.

Q. This AMT 1, it was a function of coordination was it not?

A. In the organizational sense, yes but not if there was overlapping of functions then it was up to the AMTS themselves to argue it out.

Q. Did overlaps happen between AMT 3 and AMT 4?

A. I have heard quite a few things about that.

A. Thank you. Now tell me. When the members of the police were assimilated to certain ranks of the SS, you told us only 3,000 out of 20,000 were entered into the SS.

A. At the beginning of the war, that is, 1939.

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Q. Was this voluntary entering into the SS?

A. No. The papers to be filled out, questionairres, etc. were submitted to them by their superior so that they would have to bring forth definite reasons for not filling out these papers.

Q. But why did only 3,000 men receive those papers?

A. What I wanted to saw is the papers of assimilation had not progressed any further at the time of the out-break of the war so that this did show that assimilation was not a preparation for war.

Q. But who was selecting those 3,000 men?

A. Those ~~who~~ were the ones which were employed by the offices up until then, no doubt, there were many other reports which had not been dealt with. This work was supposed to be distributed for several years.

Q. But according to what rules did the AMTS choose people to be assimilated?

A. As a whole, by and large, the conditions of the general SS were to be observed and within the frame-work of these rules, all employees were to be assimilated. Exceptions were made of certain conditions, for instance their health and age were not filled in because one was very much interested in putting all employees in uniform.

Q. Was there no appreciation of the political attitude of officials?

A. No, because if anyone was employed in civil service he was considered fit to wear a uniform.

Q. Another question. You told us that you attended the Congress of Vienna on 8 November 1938.

A. Not on the 8th of November but several days previously because we were in Munich on the 8th of November.

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Q. What was the topic of this Congress?

A. All working areas of the Sipo were discussed. There were lectures concerning the Gestapo and of the Kripo and on problems which were of interest were discussed.

Q. Did you discuss also measures of fighting against political opponents?

A. Of course as far as they fell within the framework of State Police work.

Q. And you told us that the SD was attending those meetings.

A. I believe that the leaders of the Oberabschnitte and of the SD attended but I can't recall exactly but I wasn't so much interested.

Q. I think you have told ~~us~~ this last week ~~matters as~~ Now to the churches. Is it correct that the Nazi Party was organizing the fight against the churches?

A. I know nothing about an organization of the fight. I do know that certain propaganda emanated from certain offices.

Q. But during your activity in the German Police you didn't meet any facts where there was an active fight taken by the party against the churches?

A. I cannot recall any such facts.

Q. And the Gestapo did nothing in order to help the Nazi Party in this fight and to make manifestations against the church did it?

A. The Gestapo did not aid the Party on the behalf of its own directives. It has dealt with the state hostile attitude of certain church individuals or circles. There were directives on the basis of which steps had to be taken against such ministers as used their ministerial position to make politics against the state.

Q. But the Gestapo was opposed to all initiative coming from other branches of th state, especially from the party concerning those church questions, did it not?

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~~As~~

The fight against the church, as far as the church was revealing political pursuasion, was only of the jurisdiction of the Gestapo.

A. The political police treatment of individual political activities of individual exponents or members of the church was a task of the Gestapo.

Q. Do you remember whether manifestations were made against the Bishop of ~~Preysing~~ Rothenburg?

A. No.

Q. In June 1938 you were at the Gestapo Office in Berlin, were you not?

A. Yes.

Q. Do you not remember a telegram or teletype which you sent to the Gestapo of Nuremberg - Furth dealing with manifestations against the Bishop Sporl?

A. No I cannot recall it.

Q. We have here Document PS-848, USA 353. It is a teletype signed by you of 24 July 1938 and this telegram gives in content, the telegram you got from Stutgart. You still do not remember it at all?

A. No, I have no idea.

(The Commission recessed at 1130 hours)

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DR WERNER BEST - Continuing

CROSS EXAMINATION - Continued

BY MR MONNERAY:

Q Now, this telegram says: "The Party on 23 July 1939 from 2100 on carried out the third demonstration against Bishop Sproll. Participants about 2500-3000 were brought in from outside by bus etc. The Rottenburg populace again did not participate in the demonstration."

The telegram which you transmitted to Nurnberg continues: "The action got completely out of hand of the party member responsible for it..."

And at the end: "On the course of action, the damage done as well as the homage of the populace beginning today for the Bishop I shall immediately hand in a full report after I am in the act of suppressing counter mass meetings."

Now, do you remember that?

A No.

Q Perhaps .. you may take a look at your signature?

(The document is handed to the witness and he examines it.)

A ...([redacted]).. I am looking for a cipher designation.... Yes, yet I may say that in the absence of someone else, as his representative or deputy I may have transferred this report for these affairs did not belong within my duties.

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Q But they belonged to the Gestapo?

A On the basis of the text which I see here it may be a matter which was dealt with by Heydrich or Himmler.

Q From the text -- it comes from Berlin, is that correct?

A Yes, sir.

Q And it was sent to the Gestapo in Nurmberg?

A Yes.

Q And this telegram comes from the Gestapo office in Stuttgart, is that correct?

A Yes, sir.

Q And it is the chief of the Gestapo office, Stuttgart, which says "I have to prevent any counter demonstrations", is that correct?

A Yes, on the basis of that text, yes.

Q And he knew about the spontaneous demonstrations of the organization? Is that correct?

A That I don't know.

Q Well, you say the people who demonstrated were taken to Ortenburg by bus and other means?

A That is what the text says.

Q Now, you have been mobilized... (interruption)

THE COMMISSIONER:

How many more questions have you?

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MR MONNERAY:

About twenty minutes more.

THE COMMISSIONER:

Then let's take a ten minute recess now.

* * *

MR MONNERAY:

Q Dr. Best, I now want to turn over to your activity in France. You were the chief of the Police?

THE COMMISSIONER:

I would like the prosecution as well as the defense counsel to bear in mind that we have to be through with this witness by one o'clock.

MR. MONNERAY:

Q You were chief of the Police Department administration in France?

A I was chief of the Department administration in the administrative staff of the military command. Within this department there was a section which dealt with affairs of the French police.

Q When did you arrive in France?

A The beginning of August 1940.

Q You met Dr. Knochen?

A Yes, sir.

Q Was he under your orders?

A No, sir.

Q Under whom was he?

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A He was subordinate to a Mr. Thomas, who was the representative of the chief of the German police, or of the chief of the SIPO for France and Belgium.

Q But until the arrival of Oberg in Paris is it correct that the whole SIPO, SD organization was under the command of the military administration?

A Until Oberg's arrival there was no German police in France, excepting only the secret field police, which was subordinate to the counter intelligence office, and with the exception of the general field Gendarmerie.

Q So that the military command had no connection with the SIPO, SD in France?

A There was no SIPO until then. For Knochen did merely SD work. I cannot recall in how far Thomas was subordinate to the military commander, for I had nothing to do with it officially. It may have been a personal attachment to the general.

Q So according to you the police authorites in France if they existed before 1942 were independent of the military administration?

A The German police? Yes. That is ... but the executive order of the police arrived only simultaneously with Oberg.

Q The members of the secret field police were then former members of the RSHA?

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A The secret field police was composed of employees of the Gestapo, which were drafted in accordance with the plan of mobilization, and supplementary personnel drawn from the troops.

Q Thank you.

You know that even before 1942 the SIPO had thousands of *** and KDS in the occupied territory of France?

A Is KDS to mean commanders of SIPO?

Q Yes.

A They were committed only simultaneously with the higher SS head police leader. Only at that time Knochen was designated commander of the SIPO.

Q Do you know that the Knochen was dealing with deportation of Jews even before 1942?

A I can recall that in Knochen's office there was a representative from Berlin who had confidences with the German and French authorities regarding the Jewish problem.

Q The Army had detention camps, had it not? In Compiegne and Romainvelle?

A Yes, the department for prisoners of war had army prisons within the French jails, and at my time they also had a small camp, a fort. It may have been either Romainvelle where RSD's were retained. In Compiegne I only recall a camp for civil internees.

Q Is it exactly correct that you put into the camp

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at Compiegne Jews to be deported to the East?

A I do not recall that.

Q ...and other people, not Jews, also to be deported?

A I do not recall that either.

Q I will show you RF 1212. It is a letter of the Military Command to the Chief of the SIPO and SD in Paris, dealing with the deportation of Jewish and Bolshevist elements to forced labor to the East. Is that correct?

(The document is handed to the witness and he studies it.)

A I do not know the letter but it seems to me correct in its form, and it seems to be a photostatic copy of the original.

Q Is it correct that the Army administered entirely by itself those camps? Or were there any intervention coming from the SIPO and SD?

A I do not know that because the administration of this camp was within the prisoner of war department of the military command staff.

Q Could you tell us for what reason this letter has been sent to the SIPO and SD?

A Obviously there were discussions going on between the Red Cross and the undersigned Dr Erst.

Q But why does SIPO come into the picture?

A Because the measures as such were directed by the Central in Berlin.

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Q What central?

A That would probably have been the office of a Mr. Eichmann, which had sent a representative to France .. not stated before.

DR GAULIK:

(He merely asks for a copy of the document above referred to: RF 1212; and he receives such copy.)

MR MONNERAY:

Q When did you hav e to execute hostages? Were they executed by the Army or the SIPO?

A Up to the commentment of the higher SS and police leader Oberg was the SIPO and in the camp. Afterwards the police. (Note: this is exactly as the answer came to the ears of the reporter; and no words were changed.)

Q Who established the policy, the Army or the SIPO?

A During the time the Army was competent, the Army authorities. Later, the police authorities.

Q Do you remember in 1942 most of the members of the secret field police were transferred to the SIPO?

A I recall that a number of employees of the military commander were transferred to the higher SS and police leader. I assume that those were mainly members of the secret field police.

Q Do you remember according to what rules this transfer was made, and who were members ~~of~~ that were transferred?

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A No. That was based on an agreement between the Supreme Commander of the Wehrmacht and the chief of the police. The counter intelligence office to which the field police were subordinate, then executed.

Q Former members of the SIPO were transferred from the secret field police to the SIPO?

A I do not believe that it was a matter of selecting an individual, but I believe the whole Commando was transferred because I have experienced the same processlater in Denmark and I can recall that much better. There it was a matter of transfer of entire Commandos but not that of individuals.

Q But you have no practical experience?

A No, I did not deal with it.

THE COMMISSIONER:

You have five minutes (to Mr Monneray).

MR MONNERAY:

This is the last question.

Q Do you know whether the Commando of Knochen went to Paris in Army uniform?

A I don't know how they were there, but when I sent they wore SS uniform with the shoulder piece which was worn with this uniform.

MR MONNERAY:

No further questions.

THE COMMISSIONER:

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Col Orlov, have you any questions?

COL ORLOV:

Q What was the difference between the intelligence work of the Gestapo and the intelligence work of the SD?

A On the basis of the development which took place later, particularly since the arrival of Ohlendorf, the Gestapo dealt with individual cases of activity hostile to the State while the SD dealt with the situation as a whole and not with individuals. In the former development they sometimes made competition with each other.

Q Is it correct that Heydrich's title was chief of the security police and of the SD?

A Yes, this showsthe personal union contained within this person.

Q The entire office subordinated to Heydrich was characterized as RSHA?

A The RSHA was established only in September 1939. All the individual parts of it retained their old character, namely.. (interruption ... and Col Orlov instructs the witness to go no further with this answer; but disregard it.)

Q Amt III was security service, is that correct?

A Yes, sir.

Q And all the other AMTS were security police?

A No, AMT VI also was security service, and AMT VII also was a security service as long as it was in existence.

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I believe it was dissolved later.

Q So if one speaks of SIPO one refers to AMT I, II, IV and V?

A If one discusses the executive, one can refer only to AMT IV and V. Because I and II were administrative offices for all.

Q You did not understand me. Heydrich was chief of the SIPO and SD. Security Service are AMT III, VI, and VII. So that all others are security police?

A Yes.

Q Do you know anything about the work of AMT III?

A In general, yes.

Q Do you know the work of all its individual section s?

A No, I do not know the single sections.

Q Do you know anything about the work of Section IIIC?

A I do not know what IIIC was.

Q It concerned itself with cultural things, enlightenment and schools.

A I do not know the details because I know of them after 1940 only from reports of Ohlendorf.

COL ORLOV:

No further questions.

THE COMMISSIONER:

And defense counsel, please?

H1016 - 0027

DR WEISGURBER:

Q In answer to questions of the Russian prosecutor you stated that AMTS I, II, IV and V were SIPO offices. Isn't it correct that Offices I and II also took care of administration and personnel affairs with Sections III, VI and VII?

A From 1940 on.

Q Pertaining to questions of the transfer of the secret field police. Is it correct that the employees of the secret field police also contained some employees of the KRIPO?

A Yes.

Q Not only the Gestapo, but also KRIPO?

A Yes.

Q It is true that the auxiliary personnel in the Commandos of the secret field police, and which were also transferred to the SIPO, contained the so-called drafted for emergency purposes?

A I can only answer this as an outsider. In my opinion they were drafted by emergency people as well as soldiers.

Q Thus the transfer to the SIPO was based on a military order?

A Yes, sir.

Q Did the individual have a chance to resist the possibility... to resist the execution of such an order?

H1016 - 0028

A No.

Q Was there any difference between the tasks of the higher SS and police leader for occupied territories as compared with its duties within the Reich?

A Yes.

Q Could you give us a very brief outline?

A Again from my position as outsider -- I had left the police in 1940 -- the higher SS and police leaders for the occupied territories in fact were the commanders of the units subordinate to them, while in the Reich the higher authority of the SS and police leaders was partly limited and partly unclear.

Q Can you tell us whether the higher SS and police leader within the Reich territory had authority to issue directives to the security police and to the Ordnungs-polizei?

A As I recall it, from the time up to 1940 there was an authority to issue directives in cases of common employment, for instance, when there were great festivities in a certain city...

Q Can you elucidate briefly the organizational difference between the STAPO office and the office of a commander of the security police?

A The STAPO office was an authority of the Gestapo. It had to deal exclusively with duties pertaining to the political police. Its employees without any

H1016 - 0029

exception were regular civil service of the Gestapo. The commanders and befehlshaber of the SIPO had subordinate to them Gestapo, Kripo and SD. Its personnel was mixed. Did not only consist of Gestapo, KRIPO and SD, but it also had supplemmentary personnel, personnel for instance which came from the Ordnungspolizei, people who were drafted for emergency purposes, and employees who were hired especially.

Q How did the security police execute the deportation of the Danish police?

A As far as I know the greater part of the deportation of the Danish police was executed by the Ordnungspolizei while the security police mainly had charge of those policemen who were to be exempted from the deportation. That does not exclude all participation of part of the security police in deportation measures.

Q Can you tell us something about the further experiences of the Danish police inside Germany?

A These policemen were brought into German Concentration Camps. I protested xxxx this measure severely in my capacity as plenipotentiary of the Reich. Later on these prisoners, or at least a great part of them, were brought into POW camps and the Commission which was appointed by the German security police in Denmark had selected part of the Danish officials which were to be

H1016 - 0030

brought back to Denmark.

DR WEISGURBER:

No further questions.

DR GAWLIK:

May I ask one question?

Q Did members of the SD wear uniforms?

A Yes.

Q Did they wear special insignia?

A The insignia SD on the sleeve were worn not only by those people who were functionally with the SD but also those who belonged to the SD information.

Q Was there a possibility to recognize, on the outside, who belonged to the SD intelligence service?

A No.

Q Why not?

A Because there was no difference of insignia between the uniform worn by the Gestapo men and the SD men.

Q However, is it correct to say that if a man wore that uniform one knew that he was a member of either the Gestapo, KRIPO or the SD?

A Yes.

Q Could one thus say that the SD worked secretly?

A The full time employees of the SD could not work secretly since they had to affirm it their performance, their activities.

Q And how about the others?

H1016 – 0031

A Which others do you mean?

Q You said the full time paid employees.

A Yes, I am thinking here of "V" men who should not have been recognizable to the outside.

Q Didn't V men also wear the uniform?

A If, as members of the SS, they were on the SS information.

Q Thus one could not recognize these "V" men also?

A Yes.

Q You stated that Knochen was employed only in SD work before the committment of Oberg?

A I want to say that with that, no executive was practiced.

Q Would you explain a little more what you mean by SD work?

MR MONNERAY:

I think we have had that already in the cross-examination, what this is, already.

THE COMMISSIONER:

The prosecution ~~rests.~~ is right

DR GAWLIK:

Q I ask you now, What do you base your knowledge on, of Knochen's activities in France?

A On the basis of occasional talks.

Q Private talks or talks in the line of duty?

H1016 - 0032

A In the first place, private discussions. Because talks in the line of duty could only concern themselves with a concrete individual point.

Q The cross examination asked you whether the SIPO and the SD interfered with the camps in France.

I first ask you whether AMTS III, VI and VII had anything to do with that?

MR MONNERAY:

Objection, in that the witness answered already that he did not know anything about the administration of police and Army camps in France.

THE COMMISSIONER:

Yes, you better go to the next question.

DR GAWLIK:

Q What influence had the appointment of a command chief in the KRIPO, STAPO, AND SD on their independent status?

MR MONNERAY:

I think this question also has been put during direct examination, and the witness answered already that it was to coordinate the services.

DR GAWLIK:

I do not believe this response to be sufficient, and secondly I wish to clarify this problem regarding their independency. One cannot do anything with that answer.

H1016 - 0033

MR MONNERAY:

It was up to counsel during the cross examination to clarify it, and not now, since the cross-examination has not put any more into discussion this time.

DR GAWLIK:

I beg your pardon. I regret to state that the Russian prosecution has referred to this problem in his cross-examination. The Russian prosecutor has mentioned the question of personal union, as well as the question of establishment of the RSHA.

THE COMMISSIONER:

All right, the witness can answer this question.

A The component parts of the RSHA remained as they were. The Central office of the security police remained part of the Ministry of the Interior. The Gestapo and the KRIPO remained supreme executive offices, without belonging to the Ministry. AMTS III, VI and VII remained SS authorities as before.

DR GAWLIK:

Q Until then were these authorities completely independent authorities?

A I do not understand the question.

Q Independent from each other. Separate?

A Formerly, they formed the so-called SD Central office.

H1016 - 0034

Q You probably misunderstood me. I mean Gestapo, KRIPO and the SD.

A Yes, their only connection was ~~with~~ that of the common chief.

Q Did the establishment of the RSHA change anything in that respect?

A No, because if there were any arguments, only the common chief could make the decision.

DR GAWLIK:

No further questions.

THE COMMISSIONER:

Col Orlov?

COL ORLOV:

I want to ask one more question:

Q The Ordnungspolizei was attached to which office in 1940 and after?

A The Ornungspolizei was subordinate to the chief of the Ordnungspolizei in the Reich Ministry of the Interior.

DR. KEMPNER (who entered the room about 10 miunutes ago.)

Q How many "V" men did you have in the United States?

A I do not know. If you refer to the AMT, I have not, I do not, know of it. Personally, I never had any V men. I know nothing about it.

Q One last question.
Before the war how many people were deported

H1016 - 0035

into Germany from foreign countries by the Gestapo?

A I cannot mention any figure. I only know of three or four individual cases.

Q There is first the case of Dr. Jacobs who was deported to Germany from France via Switzerland. Deportation is a legal institution so far as I am concerned.

A I can only recall two English agents who were deported from Holland .. Stevens.. * *

Q How many people were shot by order of the Gestapo in Czechoslovakia? Professor Lessing, ... **

A I cannot recall.

Q The attack on the broadcasting stations of Czechoslovakia where the Engineer * * was ~~exchanged~~? killed?

A I cannot recall.

Q You do not even know that Himmler himself reported he sent people there within the organization?

A I cannot recall it.

Q That these cases were submitted to you in your capacity as a legal expert?

A I cannot recall that.

Q You have a very weka memory, haven't you?

A I have fulfilled so many functions during these years that I cannot recall individual functions of six or eight years ago.

Q You mean there were so many murders you cannot recall them all?

A No.

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H1016 - 0036

MR MONNERAY:

Q Have you any idea of the number of V men within Germany?

A No.

THE COMMISSIONER:

No more questions?

[redacted]

All right. We are finished with this witness. The witness may go. The Commission will adjourn until two o'clock.

* * * * *

H1016 - 0037

The foregoing is a true and correct transcript of the testimony of DR. WERNER BEST, taken on 8 July 1946.

Marjorie Shumway
Reporter (pp 1 - 15

Genevieve Buda
Reporter (pp 16 - 35

CERTIFIED TO :

Commissioner

H1016 - 0038

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

8 July 1946

COMMISSIONER:

Mr. I. V. Rasumov

The Gestapo

(The Commission convened at 1035 hours)

COMMISSIONER: I am sorry that we are a few minutes late because we had a meeting upstairs in Room 398, but I believe we can resume our work now. Does the witness realize he is still under oath?

THE WITNESS: (Dr. Werner Best) Yes sir.

CROSS EXAMINATION RESUMED

BY MR. MONNERAY:

Q Dr. Best, you told us last week that your book, "German Police" was a private opinion?

A Yes.

Q And this book doesn't correspond at all to the truth of the German Police?

A Not in all parts.

Q Which part?

A All those parts which essentially, for instance, the idea of the State Protection Corps which were to contain one factor on State Security.

Q Now, if you give the definition of the tasks of this branch of the police, this does not correspond with the real situation? Is that correct?

A There are some such spots in the book.

Q Did you discuss, Dr. Best, this question of your book with the Defense Counsel?

A Only in general, sir.

Q You were telling us about the distinction between political tasks with the police and the police tasks of the police.

A Yes. I have separated the autonomous duties of the Gestapo which were described by laws and decrees and directives and the non-police orders

H1016 - 0039

which were put to use here directly by the state leadership. Of course, the later ones are not mentioned in the book.

Q Isn't the whole thing mentioned in this book, the tasks of the police? Is that correct?

A As far as the book speaks of the police, for instance, where the SD is mentioned, it is a matter of SD duties.

Q Yes, but according to the general plan of the book, the SD is one part of the general task of the police.

A I have represented here thetendencies of the year of that period but that had not as yet been put into effect.

Q In other words, in accordance with your own interpretation, the tendencies of the SD was to be incorporated into the police?

A That at the time was the desire of the common chief of thepolice and the SD Heydrich.

Q You told us, on the contrary, the tendence of the SD was in quite the opposite sense. I haven't finished yet. Since from the taking over the charge by Ohlendorff, the SD wasn't occupied any longer with intelligence of the enemy but only with research and intelligence work. Is that correct?

A That is correct. The area of duties pertaining to enemy research was dropped later. The Gestapo took it over and the SD limited itself to the so-called supervision of spheres of life.

Q But according to your own book, the tendency of the SD was contrary to what you are telling us now. There is a difference between your book and the tendency of the SD and the evolutionary development which has happened.

A That is correct. That has changed.

Q Now you told us since the taking over by Ohlendorff of the SD, the SD didn't deal any more with the research of enemy. At what time was that?

A I do not exactly recall when the task pertaining to the combatting of enemies were dropped but it was around that time.

Q What time did Ohlendorff take over Amt 3?

A As I recall, it was in 1939.

Q And your book was written in 1941? Is that correct?

H1016 – 0040

A It was written around 1939 and 1940 and it was published in 1940 and it was around that period that Ohlendorff developed gradually his new tendencies..

Q According to your own book, if this book had been published in 1940 and the agreement of the party has been given the 20th September 1941 and Ohlendorff came to power in the Amt 3 in 1939 and was mobilized in 1941, was he not?

A The first edition of the book appeared in 1940 and the second edition published in 1941 contained almost no changes as compared to the first one, but especially I did not correct the basic descriptions. I have changed only certain organizational points.

Q Do you know Dr. Stuckart, do you not? What was his function?

A He was the Secretary of State in the Reichsministry of the Interior.

Q Would he know exactly the details of the German administration?

A I think so.

Q Now, do you remember the view of your book given by Dr. Stuckart in the "Reich Volksordnung, Lebensraum?"

A I recall the fact that it appeared but I do not remember the contents.

Q I will read you an excerpt which is quite opposite to your own statement according to the idealistic character. "Dr. Best, who has cooperated in the general development of the National Socialist Police as a leading personality is perfectly able to give a very general picture of the structure of the organization and the rights of the police. The main point of this book is the description of the task and the structure and the personnel of the police. (Chapter 4 to 6)". And he continues: "Except under the details but without losing himself in details, Best gives a general summing up which has been produced for the first time, the structure and the content of the three large tasks of thepolice, of order of police, of security of police, of administration and development is plainly pointed out and described. And the picture becomes especially well and close reality by the fact that Best not only gives the general lines of structure but also gives the summing up of the different administrations, schools, etc." And he goes on to say about this book: "Very soon it will become the digest and a

H1016 - 0041

of reference for the administration and officials of police in the Interior of the Administration, etc." Now, according to this review, Mr. Stuckart, who was Secretary of State in the Ministry of Interior did not consider your book only a sort of general scholarship of the general philosophy of the police, did he?

A If Mr. Stuckart says here that I have enumerated correctly the different authorities and training schools, he is perfectly right. But he only was an expert for the general administration and h e was inno position to know w ich development phases of the police, or in particular of the SD were still unfinished and how far I have represented the tendencies which were still in the process of evolution and would take a different direction in the following period.

Q Now you admitted last week that the SD until the moment Ohlendorff took over, the SD was dealing with theintelligence of political enemies, did you not?

A Yes, the SD Central Offices showed all organizations provided for that.

Q And you told us today that according to your book that intelligence work in order to discover political enemies was not only a general development of the SD, did younot?

A As I could still see it around the time of the years 1939-1940.

Q So, in other terms, on the one side, according to your statement of last week, the SD did not anywhere deal with intelligence work and deal with enemies?

A No, what I said was this. I have represented the situation and tendencies in the manner in which I had seen it around 1939 and 1940 but today I know that in the ensuing period the tendencies were changed by the activities of Ohlendorff.

Q Very well, and you told us today Ohlendorff was mobilized in 1941?

A As far as I know he realized his plans in the years 1940-1941.

Q Have you been in Copenhagen as a plenipotentiary for the Ministry of Foreign Affairs?

A Yes. I was the plenipotentiary sent to Denmark for the Foreign Office.

H1016 - 0042

Q Have you met Naujocks?

A Naujocks was in Copenhagen, once.

Q And what was his task in Denmark?

A He did not give me any details. I only know that he asked me to provide a connection for him with the Research Office in Copenhagen.

Q And his task in Denmark was, without any doubt was dealing with the research work of science and things like that, was it not?

A At that time I assumed that he was in Denmark in Intelligence Service measures. In the meanwhile my interrogations in Copenhagen taught me that in the opinion of the Danish authorities, Naujocks was dealing with counter-measures, against terrorism.

Q He did not tell you anything about counter-measures?

A No. At that time he did not mention anything about that.

Q And you didn't know anything about those counter-measures? Even learning it from somebody else?

A Yes, because I was there when Hitler personnally ordered this contrary.

Q You didn't mention at all any connection between this Hitler order in his presence in Copenhagen?

A I do not know when Naujocks was in Copenhagen but I do know the conference with Hitler took place on the 30th of December 1943.

Q And you remember that Naujocks visited in the beginning of 1944?

A I do not recall the time.

Q Anyway, you had no idea what the reason Naujocks wasin Copenahagen, do you?

A I imagine that he was in Denmark on matters pertaining to Intelligence Service duties.

Q And if he were to state and even testify that he discussed the matter with you, you would say it was only a lie?

A I would say that I could not recall it and that in my memory, he is retained as an Intelligence Service man.

Q Yes. I think that is so much more careful to say that you don't remember. Do you know who is Scorzeny? Have you any idea who Scorzeny was?

H1016 - 0043

A Yes. I know he was a leader of a special formation which had been employed with special assignments, forinstance, he freed Mussolini and today I know that his formation executed terror or counter-terror.

Q What AMT was he a member of?

A I do not know whether he was formerly attached to an AMT for his formation because his formation was a kind of military group.

Q But you remember he was employed on Amt 6 do you not?

A I had heard that he was attached to Amt 6 in some manner.

Q Then probably his part in Amt 6 and his activities as a professiona terrorist was only a fact of the whole organization of the SD, was it not?

A I cannot testify to that since I have only heard of these things as an outsider who was remote from the facts.

Q But you could not tell us if Scorzeny had not the permission of sending over absolutely impartial reports?

A After what I know now, he did not have a special assignment such as I have characterized Bovensiepen.

Q You know Bovenseipen, do you not?

A Yes. He was the commander of the Sipo in Denmark.

Q He was interrogated by the Danish authorities?

A Yes.

Q He told the authorities that you received a counter terror order of Hitler and you even protested against the order. Is this correct?

A In the conference on December 30, 1943 I did protest this order of Hitler. The order itself was not issued to me but to the higher SS and police leader Pancke.

Q But why did Pancke receivethis order from you?

A Because Pancke was the Chief of Police. He was not subordinate to me and he was the one who had to receive orders pertaining to measures to be executed by an organization and not I who was without any organization.

Q Then what organization had he?

A He was in charge of the entire police in Denmark.

Q So he had to carry out measures of coalition did he not?

A Yes.

Q And he had under his command Sipo and SD did he not?

H1016 -0044

A Yes.

Q Do you remember the deportation of Danish Jews?

A Yes.

Q You tried to prevent these measures, did you not?

A Yes. I protested this measure very severely in several reports of telegrams to the Foreign Office and I have sabotaged the success of the action by having Danish politicians, the other side, made known the prepared action of deportation. Mildner was the commander of the Sipo of this action

Q You received your orders from Ribbentrop, did you not?

A No, I was informed by Ribbentrop or rather by the Foreign Office that this action had been ordered.

Q And youhad to carry out this action?

A Hitler ordered the action and Himmler ordered his organization to execute the order.

Q What is that?

A They utilized commandos of the Sipo and one or two battalions of the Ordnungspolizei. To supervise the action, an employee named Guenther, of the office of Eichmann, came to Copenhagen.

Q And all the German police authorities in Denmark had to obey this special plenipotentiary?

A I was in charge of this one action.

Q So your answer is "Yes"?

A Yes.

Q Now, do you remember the deportation of Danish Poles?

A Yes.

Q Who carried out these measures?

A The higher SS and Police Leader Pancke by order of Hitler , who was transferred to him by way of him. There was a special clause stating that he was not to be notified.

Q So if these measures had been carried out, were they carried out by the police authorities?

A Yes, by the higher SS and Police Leaders with both formations Sipo and Ordnungspolizei.

H1016 - 0045

Q Is it correct that the intelligence work and the fighting against resistance movements and all enemies of the German Reich were taken charge of by the Amt 4?

A I do not understand your question what enemy Intelligence Service means.

Q To find out who are the enemies of the State.

A Yes, that is correct.

Q Now did you know Hauptsturmfuehrer Pahl?

A Yes. He was the leader of the SD section in Copenhagen.

Q You have been in touch with him?

A I saw him rarely but he wanted to report to me about something.

Q He didn't send you any reports?

A I have seen several SD reports when this section believed that I might be interested in it. Otherwise these reports were transferred directly to Berlin without me seeing them.

Q Did he have anything to do with finding out about the Danish resistance movement?

A According to the reports I saw this SD section was interested in the morale of the popul ation, the economic situation, the articles of press stories, any development of the Danish mentality as pertains to their attitude toward the German Reich.

Q Do you think that the growing up of a resistance movement has something to do with the attitude of the Danish mentality or Danish public opinion?

A Yes, of course.

Q Thank you very much. You have been in touch with Seyboldt?

A I saw him occasionally.

Q What was he doing in Copenhagen?

A He represented Amt 6 of the External Intelligence Service concerning itself not with Denmark but other countries. That is why he did not report anything to me.

Q You as a representative of the German Foreign Affairs, you were not interested at all in any other countries except Denmark, were you?

A Yes. My task was solely Denmark.

H1016 - 0046

Q And you were not interested at all in having any reports coming fromother countries and dealing in the general situation of the war?

A Yes, of course, in the large sense of politics, of course, but not in the details which the Intelligence orespionage service gathered from other countries.

Q So you admit Amt 6 was a service of spying and intelligence. Is that correct?

A Yes.

Q And dealt on certain general recourse by dealing with details?

A Yes. I assume since I had no information, that one did not deal by any chance with the leaders in the Foreign Press but one wanted to find out for instance, why Russian or English agents were present in Sweden, and similar things.

Q Is it correct that Amt 3 had the same inside of Germany as Amt 6 had outside of Germany?

A I do not know since I know nothing about the techniques of these offices.

Q I think that is a very good statement. Have you been in touch with V-Men?

A No.

Q Didn't everybody know who wasa V-Man?

A Yes. I am sure of that but I had nothing to do with V-Men.

Q Didn't they claim publicly and proudly that they were V-Men?

A I do not believe so because there could have been a contradiction of that.

Q What is the conception of the V-Men?

A I imagine that is a man who without publicly letting it known pays attention to certain events and who informs the authorities, for which he is working.

Q That means he is an informer?

A Yes, the conception of an informer is morally detrimental as a V-Man works for morally praiseworthy causes.

Q Of course he is of an intelligence nature?

H1016-0047

A An agent in my opinion is a man who draws a salary steadily. An informer does not need that.

Q Anyway, he is a man who does confidential and secret work. Is this correct?

A Yes.

Q Thank you. Have you been a member of the SD?

A Within the frame of the SS I was contained in the list of the SD as all the employees and officials of the Gestapo and Kripo were who are members of the SS by way of formation, they belonged to the SD but not in their function.

Q Since when?

A I should say 1934 or 1935.

Q And you have no knowledge of the technical activities of the SD no less?

A In the RSHA I was chief of the Amt 1 which dealt with administrative and legal matters. My work differed from that of other Amt's.

Q Which group of Amt 1?

A Am t 1 of administration and law.

Q This Amt 1, it was a function of coordination, was it not?

A In the organizational sense, yes, but not if there was overlapping of functions then it was up to the Amt's themselves to argue it out.

Q Did overlaps happen between Amt 3 and Amt 4?

A I have heard quite a few things about that.

Q Thank you. Now tell me. When the members of the police were assimilated to certain ranks of the SS, you told us only 3,000 out of 20,000 were entered into the SS.

A At the beginning of the war, that is, 1939.

H1016 - 0048

Q. Was this voluntary entering into the SS?

A. No. The papers to be filled out, questionaires, etc., were submitted to them by their superior so that they would have to bring forth definite reasons for not filling out these papers.

Q. But why did only 3,000 men receive those papers?

A. What I wanted to show is that the papers of assimilation had not progressed any further at the time of the out-break of the war so that this did show that assimilation was not a preparation for war.

Q. But who was selecting those 3,000 men?

A. Those were the ones which were employed by the offices up until then, no doubt, there were many other reports which had not been dealt with. This work was supposed to be distributed for several years.

Q. But according to what rules did the AMTS choose people to be assimilated?

A. As a whole, by and large, the conditions of the general SS were to be observed and within the frame-work of these rules, all employees were to be assimilated. Exceptions were made of certain conditions, for instance their health and age were not filled in because one was very much interested in putting all employees in uniform.

Q. Was there no appreciation of the political attitude of officials?

A. No, because if anyone was employed in civil service he was considered fit to wear a uniform.

Q. Another question. You told us that you attended the Congress of Vienna on 8 November 1938.

A. Not on the 8th of November but several days previously because we were in Munich on the 8th of November.

Q. What was the topic of this Congress?

A. All working areas of the Sipo were discussed. There were lectures concerning the Gestapo and of the Kripo and on problems which were of interest were discussed.

Q. Did you discuss also measures of fighting against political opponents?

A. Of course as far as they fell within the framework of State Police work.

H1016 - 0049

Q. And you told us that the SD was attending those meetings.

A. I believe that the leaders of the Oberabschnitte and of the SD attended but I can't recall exactly but I wasn't so much interested.

Q. I think you have told this last week. Now to the churches. Is it correct that the Nazi Party was organizing the fight against the churches?

A. I know nothing about an organization of the fight. I do know that certain propaganda emanated from certain offices.

Q. But during your activity in the German Police you didn't meet any facts where there was an active fight taken by the party against the churches?

A. I cannot recall any such facts.

Q. And the Gestapo did nothing in order to help the Nazi party in this fight and to make manifestations against the church did it?

A. The Gestapo did not aid the Party on the behalf of its own directives. It has dealt with the state hostile attitude of certain church individuals or circles. There were directives on the basis of which steps had to be taken against such ministers as used their ministerial position to make politics against the state.

Q. But the Gestapo was opposed to all initiative coming from other branches of the state, especially from the party concerning those church questions, did it not? The fight against the church, as far as the church was revealing political pursuasion, was only of the jurisdiction of the Gestapo.

A. The political police treatment of individual political activities of individual exponents or members of the church was a task of the Gestapo.

Q. Do you remember whether manifestations were made against the Bishop of Rothenburg?

A. No.

Q. In June 1938 you were at the Gestapo Office in Berlin, were you not?

A. Yes.

Q. Do you not remember a telegram or teletype which you sent to the Gestapo of Nuremberg-Furth dealing with manifestations against the Bishop Sporl?

H1016 - 0050

A. No I cannot recall it.

Q. We have here Document PS-848, USA 353. It is a teletype signed by you of 24 July 1938 and this telegram gives in content, the telegram you got from Stuttgart. You still do not remember it at all?

A. No, I have no idea.

(The Commission recessed at 1130 hours)

H1016-0051

DR. WERNER BEST - Continuing

CROSS EXAMINATION - Continued.

BY MR MONNERAY:

Q Now, this telegram says: "The Party on 23 July 1939 from 2100 on carried out the third demonstration against Bishop Sproll. Participants about 2500-3000 were brought in from outside by bus etc. The Rottenburg populace again did not participate in the demonstration."

The telegram which you transmitted to Nurnberg continues: "The action got completely out of hand of the Party member responsible for it. . ."

And at the end: "On the course of action, the damage done as well as the homage of the populace beginning today for the Bishop I shall immediately hand in a full report after I am in the act of suppressing counter mass meetings."

Now, do you remember that?

A No.

Q Perhaps . . you may take a look at your signature?

(The document is handed to the witness and he examines it.)

A I am looking for a cipher designation....Yes, yet I may say that in the absence of someone else, as his representative or deputy I may have transferred this report for these affairs did not belong within my duties.

Q But they belonged to the Gestapo?

A On the basis of the text which I see here it may be a matter which was dealt with by Heydrich or Himmler.

Q From the text -- it comes from Berlin, is that correct?

A Yes, sir.

Q And it was sent to the Gestapo in Nurnberg?

A Yes, sir.

Q And this telgram comes from the Gestapo Office in Stuttgart, is that correct?

A Yes, sir.

Q And it is the chief of the Gestapo Office. Stuttgart, which says "Ihave to prevent any counter demonstrations", is that correct?

A Yes, on the basis of that text, yes.

Q And he knew about the spontaneous demonstrations of the organization? Is that correct?

A That I don't know.

Q Well, you say the people who demonstrated were taken to Ortenburg by bus and other means?

A That is what the text says.

Q Now, you have been mobilized....(interruption)

THE COMMISSIONER: How many more questions have you?

MR MONNERAY: About twenty minutes more.

THE COMMISSIONER: Then let's take a ten minute recess now.

* * *

BY MR MONNERAY:

Q Dr. Best. I now wnt to turn over to your activity in France. You were the chief of the Police?

THE COMMISSIONER: I would like the prosecution as well as the defense counsel to bear in mind that we have to be through with this witness by one o'clock.

By MR MONNERAY:

Q You were chief of the Police Department administration in France?

A I was chief of the Department administration in the administrative staff of the military command. Within this department there was a section which dealt with affairs of the Franch Police.

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Q When did you arrive in France?

A The beginning of August 1940.

Q You met Dr. Knochen?

A Yes, sir.

Q Was he under your orders?

A No, sir.

Q Under whom was he?

A He was subordinate to a Mr. Thomas, who was the representative of the chief of the German Police, or of the chief of the SIPO for France and Belgium.

Q But until the arrival of Oberg in Paris is it correct that the whole SIPO, SD organization was under the command of the military administration?

A Until Oberg's arrival there was no German Police in France, excepting only the secret field police, which was subordinate to the counter intelligence office, and with the exception of the general field Gendarmerie.

Q So that the military Command had no connection with the SIPO, SD in Franc

A There was no SIPO until then. For Knochen did merely SD work. I cannot recall in how far Thomas was subordinate to the military commander, for I had nothing to do with it officially. It may have been a personal attachment to the General.

Q So according to you the police authorities in France if they existed before 1942 were independant of the military administration?

A The German Police? Yes. That is...but the executive order of the police arrived simultaneously with Oberg.

Q The members of the secret field police were then former members of the RSHA?

A The secret field police was composed of employees of the Gestapo, which were drafted in accordance with the plan of mobilization, and supplementary personnel drawn from the troops.

Q Thank you. You know that even before 1942 the SIPO had thousands of *** and KDS in the occupied territory of France?

A Is KDS to mean commenders of SIPO?

Q Yes.

A Theywere committed only simultaneously with the higher SS head police leader. Only at that time Knochen was designated commander of the SIPO.

Q Do you know that the Knochen was dealing with deportation of Jews even before 1942?

A I can recall that in Knochen's office there was a representative from Berlin who had confidence with the German and French authorities regarding the Jewish problem.

Q The Army had detention camps, had it not? in Compeigne and Romainvelle?

A Yes, the department for prisoners of war had army prisons within the French jails, and at my time they also had a small camp, a fort. It may have been either Romainvelle where RSD'S were retained. In Compeigne I only recall a camp for civil internees.

Q Is it exactly correct that you put into the camp at Compeigne Jews to be deported to the East?

A I do not recall that.

Q ...and other people, not Jews, also to be deported?

A I do not recall that either.

Q I will show you RF 1212. It is a letter of the Military Command to the Chief of the SIPO and SD in Paris, dealing with the deportation of Jewish and Bolshevist elements to forced labor to the East. Is that correct?

(The document is handed to the witness and he studies it.)

A I do not know the letter but it seems to me correct in its form, and it seems to be a photostatic copy of the original.

Q Is it correct that the Army administered entirely by itself those camps? Or were there any intervention coming from the SIPO and SD?

A I do not know that because the administration of this camp was within the prisoner of war department of the military command staff.

Q Could you tell us for what reason this letter has been sent to the SIPO and SD?

A Obviously there were discussions going on between the Red Cross and the undersigned Dr. Erst.

Q But why does the SIPO come into the picture?

A Because the measures as such were directed by the Central in Berlin.

Q What Central?

A That would probably have been the office of a Mr. Eichmann, which had sent a representative to France .. not stated before.

DR. GAWLIK

(He merely asks for a copy of the document above referred to: RF 1212; and he receives such copy.)

MR MONNERAY:

Q When did you have to execute hostages? Were they executed by the Army or the SIPO?

A Up to the commentment of the higher SS and police leader Oberg was the SIPO and in the camp. Afterwards the police. (Note: this is exactly as the answer came to the ears of the reporter; and no words were changed.)

Q Who established the policy, the Army or the SIPO?

A During the time the Army was competent, the Army authorities. Later, the police authorities.

Q Do you remember in 1942 most of the members of the secret field were transferred to the SIPO?

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A I recall that a number of employees of the military commander were transferred to the higher SS and police leader. I assume that those were mainly members of the secret field police.

Q Do you remember according to what rules this transfer was made, and who were members that were transferred?

A No. That was based on an agreement between the Supreme Commander of the Wehrmacht and the chief of the police. The counter intelligence office to which the field police were subordinate, then executed.

Q Former members of the SIPO were transferred from the secret field police to the SIPO?

A I do not believe that it was a matter of selecting and individual, but I believe the whole Commando was transferred because I have experienced the same processlater in Denmark and I can recall that much better. There it was a matter of transfer of entire Commandoes but not that of individuals.

Q But you have no practical experience?

A No, I did not deal with it.

THE COMMISSIONER: You have five minutes (to Mr Monneray).

MR MONNERAY: This is the last question.

Q Do you know whether the commando of Knochen went to Paris in Army unifo

A I don't know how they were there, but when I sent they wore SS uniform with the shoulder piece which was worn with this uniform.

MR MONNERAY: No further questions.

THE COMMISSIONER:

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H1016-0056

Colonel Orlov, have you any questions?

BY COLONEL ORLOV:

Q What was the difference between the intelligence work of the Gestapo and the intelligence work of the SD?

A On the basis of the development which took place later, particularly since the arrival of Ohlendorf, the Gestapo dealt with individual cases of activity hostile to the State while the SD dealt with the situation as a whole and not with individuals. In the former development they sometimes made competition with each other.

Q Is it correct that Heydrich's title was chief of the security police and of the SD?

A Yes, this shows the personal union contained within this person.

Q The entire office subordinated to Heydrich was characterized as RSHA?

A The RSHA was established only in September 1939. All the individual parts of it retained their old character, namely ... (interruption ... and Col. Orlov instructs the witness to go no further with his answer; but disregard it).

Q Amt III was security service, is that correct?

A Yes, sir.

Q And all the other Amts were security police?

A No, Amt VI also was security service, and Amt VII also was a security service as long as it was in existence. I believe it was dissolved later.

Q So if one speaks of SIPO one refers to Amt I, II, IV and V?

A If one discusses the executive, one can refer only to Amt IV and V. Because I and II were administrative offices for all.

Q You did not understand me. Heydrich was chief of the SIPO and SD. Security Service are Amt III, VI, and VII. So that all others aresecurity police?

A Yes.

Q Do you know anything about the work of Amt III?

A In general, yes.

Q Do you know the work of all its individual sections?

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A No, I do not know the single sections.

Q Do you know anything about the work of Section IIIC?

A I do not know what IIIC was.

Q It concerned itself with cultural things, enlightenment and schools.

A I do not know the details because I know of them after 1940 only fro reports of Ohlendorf.

COLONEL ORLOV: No further questions.

THE COMMISSIONER: And defense counsel, please?

BY DR. WEISGURBER:

Q In answer to questions of the Russian prosecutor you states that Amts I, II, IV and V were SIPO offices. Isn't it correct that Offices I and II also took care of administration and personnel affairs with Sections III, VI and VII?

A From 1940 on.

Q Pertaining to questions of the transfer of the secret field police. Is it correct that the employees of the secret field police also contained some employees of the KRIPO?

A Yes.

Q Not only the Gestapo, but also KRIPO?

A Yes.

Q It is true that the auxiliary personnel in the Commandos of the secret field police, and which were also transferred to the SIPO, contained the so-called draft for emergency purposes?

A I can only answer this as an outsider. In my opinion they were drafted by emergency people as well as soldiers.

Q Thus the transfer to the SIPO was based on a military order?

A Yes, sir.

Q Did the individual have a chance to resist the possibility... to resist the execution of such an order?

A No.

Q Was there any difference between the tasks of the higher SS and polic leader for occupied territories as compared with its duties within the Reich?

A Yes.

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Q Could you give us a very brief outline?

A Again from my position as an outsider -- I had left the police in 1940 -- the higher SS and police leaders for the occupied territories in fact were the commanders of the units subordinate to them, while in the Reich the higher authority of the SS and police leaders was partly limited and partly unclear.

Q Can you tell us whether the higher SS and police leader within the Reich territory had authority to issue directives to the security police and to the Ordnungspolizei?

A As I recall it, from the time up to 1940 there was an authority to issue directives in cases of common employment, for instance, when there were great festivities in a certain city...

Q Can you elucidate briefly the organizational difference between the STAPO office and the office of a commander of the security police?

A The STAPO office was an authority of the Gestapo. It had to deal exclusively with duties pertaining to the political police. Its employees without any exception were regular civil service of the Gestapo. The commanders and Befehlshaber of the SIPO had subordinate to them Gestapo, Kripo and SD. Its personnel was mixed. Not only did it consist of Gestapo, Kripo and SD, but it also had supplementary personnel, personnel for instance which came from the Ordnungspolizei, people who were drafted for emergency purposes, and employees who were hired especially.

Q How did the security police execute the deportation of the Danish police?

A As far as I know the greater part of the deportation of the Danish police was executed by the Ordnungspolizei while the security police mainly had charge of those policemen who were to be exempted from the deportation. That does not exclude all participation of part of the security police in deportation measures.

Q Can you tell us something about the further experiences of the Danish police inside Germany?

A These policemen were brought into German Concentration Camps. I protested against this measure severly in my capacity asplenipotentiary of the

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of the Reich. Later on, these prisoners, or at least a great part of them, were brought into POW camps and the Commission which was appointed by the German security police in Denmark had selected part of the Danish officials which were to be brought back to Denmark.

DR. WEISGURBER: No further questions.

DR. GAWLIK: May I ask one question?

Q Did members of the SD wear uniforms?

A Yes.

Q Did they wear special insignia?

A The insignia SD on the sleeve were worn not only by those people who were functionally with the SD but also those who belonged to the SD information.

Q Was there a possibility to recognize, on the outside, who belonged to the SD intelligence service?

A No.

Q Why not?

A Because there was no difference of insignia between the uniform worn by the Gestapo men and the SD men.

Q However, is it correct to say that if a man wore that uniform one knew that he was a member of either the Gestapo, KRIPO or the SD?

A Yes.

Q Could one thus say that the SD worked secretly?

A The full time employees of the SD could not work secretly since they had to affirm their performances and their activities.

Q And how about the others?

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A Which others do you mean?

Q You said the full time pa employees.

A Yes, I am thinking here of "V" men who should not have been recogni to the outside.

Q Didn't V men also wear uniforms?

A If, as members of the SS, they were on the SS information.

Q Thus one could not recognize these "V" men also?

A Yes.

Q You stated the Knochen was employed only in SD work before the comitt ment of Oberg?

A I want to say that with that, no executive was practiced.

Q Would you explain a little more what you mean by SD work?

MR MONNERAY: I think we have already had that in the cross-exmination, what this is, already.

THE COMMISSIONER: The Prosecution is right.

BY DR GAWLIK

Q I ask you now, What do you base your knowledge on, of knochen's activities in France?

A On the basis of occasional talks.

Q Private talks or talks in the line of duty?

A In the first place, private discussions. Because talks in the line of duty could only concern themselves with a concrete individual point.

Q The cross-examination asked you whether the SIPO and the SD interfer with the camps in France.

I first ask you whether AMTS I , VI and VII had anything to do with that

MR MONNERAY: Objection, in that the witness answered already that he di not know anything about the adminstration of police and army camps in France.

THE COMMISSIONER: Yes, you better go to the next question.

BY DR. GAWLIK:

Q What influence had the appointment of a command chief in the KRIPO, Stapo, and SD on their independan atus?

MR MONNERAY: I think this question also has been put during direct examination, and the witness answered already that it was to coordinate the services.

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BY DR. GAWLIK

I do not believe this response to be sufficient, and secondly I wish to clarify this problem regarding their independancy. One cannot do anything with that answer.

MR MONNERAY: It was up to Counsel during the cross examination to clarify it, and not now, since the cross examination has not put any more into discussion this time.

DR. GAWLIK: I beg your pardon. I regret to state that the Russian Prosecution has referred to this problem in his cross examination. The Russian Pr Prosecutor has mentioned the question of personal union, as well as the questio of personal union, as well as the question of establishment of the RSHA.

THE COMMISSIONER: All right, the witness can answer this question.

A The component parts of the RSHA remained as they were. The Central Office of the security police remained part of the Ministry of the Interior. The Gestapo and the KRIPO remained supreme executive offices, without belonging to the Ministry. AMTS lll, Vl, and Vll remained SS authorities as before.

DR. GAWLIK: Until then were these authorities completely independant authorities?

A I do not understand the question.

Q Independant from each other. Separate?

A Formerly, they formed the so-called SD Central office.

Q You probably misunderstood me. I mean Gestapo, KRIPO and the SD.

A Yes, their only connection was that of the common chief.

Q Did the establisment of the RSHA change anything in that respect?

A No, because if there were a ny arguments, only the common chief could make the decision.

DR. GAWLIK: No further questions.

THE COMMISSIONER: Col Orlov?

COL ORLOV: I want to ask one more question:

Q The Ordnungspolizei was attached to which office in 1940 and after?

A The Ornungspolizei was subordinate to the chief of the Ordnungspolizei in the Reich Ministry of the Interior.

DR. KEMPLER (who entered the room about ten minutes agao.)

Q How many "V" men did you have in the United States?

A I do not know. If you refer to the AMT, I have not, I do not, know of it. Personally, I never had any V men. I know nothing about it.

Q One last question. Before the war how many people were deported into Germany from Foreign countries by the Gestapo?

A I cannot mention any figure. I only know of three or four individual cases.

Q There is first the case of Dr. Jacobs who was deported to Germany from France via Switzerland. Deportation is a legal institution so far as I am concerned.

A I can only recall two English agents who were deported from Holland .. Stevens.. **

Q How many people were shot by order of the Gestapo in Czechoslovakia? Professor Lessing, ...**

A I cannot recall.

Q The attack on the broadcasting stations of Czechoslovakia where the Engineer ** was killed?

A I cannot recall.

Q You do not even know that Himmler himself reported he sent people there within the organization?

A I cannot recall it.

Q That these cases were submitted to you in your capacity as a legal expert

A I cannot recall that.

Q You have a very weak memory, haven't you?

A I have fulfilled so many functions during these years that I cannot recall individual functions of six or eight years ago.

Q You mean there were so many murders you cannot recall them all?

A No.

BY MR MONNERAY:

Q Have you any idea of the number of V men within Germany?

A No.

THE COMMISSIONER: No more questions?

All right. We are finished with this witness. The witness may go. The Commission will adjourn until two o'clock.

* * * * *

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The foregoing is a true and correct transcript of the testimony of DR. WERNER BEST, taken on July 8 1946.

Margorie Shunway
Reporter

Genevene Biolsi
Reporter

CERTIFIED TO:- Col Neave
Commissioner

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